

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AMERICA'S OUTLAW SPIRITS,)	CASE NO. CV 12-04132 RZ
)	
Plaintiff,)	
)	ORDER TO SHOW CAUSE
vs.)	
)	
STEVEN GUNN,)	
)	
Defendant.)	

The Court issues this Order To Show Cause directed to Plaintiff due to lack of prosecution.

Plaintiff commenced this action on May 11, 2012. On May 21, Plaintiff filed the operative First Amended Complaint (1AC). On May 22, the sole Defendant was served with process in Texas, according to a Proof Of Service filed by Plaintiff on June 4. (It is unclear whether Defendant was been served with the 1AC. The 1AC, as filed, bears no internal proof of service. The Proof Of Service *of process* recites that one of the documents served on Defendant was a "Complaint," without specifying whether the pleading was the 1AC or the initial complaint.) If the Proof is correct, then Defendant's 21-day deadline for responding to the complaint was June 12. That deadline passed some four weeks ago, yet Defendant has not appeared. If Defendant indeed was served but has neglected to respond,

1 it is Plaintiff's responsibility, as part of the general duty of prosecuting the action with
2 alacrity, to take appropriate action.

3 Accordingly, IT IS ORDERED that Plaintiff shall show cause in writing,
4 within 14 days of the signature date of this Order, why this action should not be dismissed
5 without prejudice for Plaintiff's failure to prosecute it. The Court anticipates discharging
6 this Order To Show Cause if, within the time for response, either (1) Plaintiff files an
7 application for entry of default or (2) Defendant files a response to the complaint or 1AC.

8 IT IS SO ORDERED.

9
10 DATED: July 10, 2012

11
12 
13 _____
14 RALPH ZAREFSKY
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28